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10 Attorneys for Defendant
11 GROUPME, INC.

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15 BRIAN GLAUSER, individually and on behalf
of a class of similarly situated individuals,

16 Plaintiffs,

17 v.

18 TWILIO, INC., a Delaware corporation; and
19 GROUPME, INC., a Delaware corporation,

20 Defendants.
21

CASE NO. 4:11-cv-02584-PJH

**DEFENDANT GROUPME, INC.'S
NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT**

Hearing Date: To Be Set
Courtroom: 3

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, defendant GroupMe, Inc. ("GroupMe") will and hereby does move for an order entering summary judgment in favor of GroupMe on plaintiff Brian Glauser's ("Plaintiff") first and only claim for relief against GroupMe, for alleged violation of the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227 *et seq.* ("TCPA"). Pursuant to the Court's March 27, 2014 Order, Dkt. 93, the Court will set a hearing date for GroupMe's motion for summary judgment "once the motion is fully briefed and reviewed by the Court."

The motion seeks summary judgment pursuant to Federal Rule of Civil Procedure 56 on the ground there is no genuine issue of material fact as to a required element of Plaintiff's TCPA claim. Specifically, GroupMe's motion for summary judgment shows, as a matter of law, it has not used an automatic telephone dialing system (autodialer) to send Plaintiff the text messages of which he complains. GroupMe is entitled to judgment in its favor as a matter of law.

GroupMe bases its motion on this notice of motion and motion, the memorandum of points and authorities, the declarations of Steve Martocci, John Pignata, Ameer Badri and Brent Mello, the proposed order, the Court's file for this action, and any other evidence the Court deems appropriate.

Dated: April 28, 2014

WHITE & CASE LLP

By: /s/ Bryan A. Merryman
Bryan A. Merryman

Attorneys for Defendant
GROUPME, INC.